

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

State of Oklahoma, ex rel. W.A. Drew )  
Edmondson, in his capacity as Attorney )  
General of the State of Oklahoma and )  
Oklahoma Secretary of the Environment )  
C. Miles Tolbert, in his capacity as the )  
Trustee for Natural Resources for the )  
State of Oklahoma, )

Plaintiff, )

v. )

Tyson Foods, Inc., Tyson Poultry, Inc., )  
Tyson Chicken, Inc., Cobb-Vantress, Inc., )  
Cal-Maine Foods, Inc., Cal-Maine Farms, )  
Inc., Cargill, Inc., Cargill Turkey )  
Production, LLC, )  
George's, Inc., George's Farms, Inc., )  
Peterson Farms, Inc., Simmons Foods, Inc., )  
and Willow Brook Foods, Inc. )

Defendants. )

Case No. **4:05-CV-00329-TCK-SAJ**

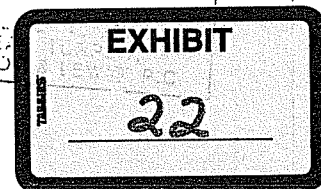
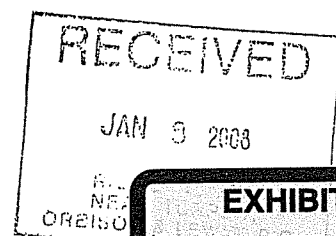
**CARGILL TURKEY PRODUCTION, LLC'S  
SECOND SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 1  
OF PLAINTIFFS FIRST SET OF INTERROGATORIES**

**SUPPLEMENTAL ANSWER**

**INTERROGATORY NO. 1:** For each of your poultry growing operations in the

IRW since 1952, please provide the following information:

- a. name and physical location of the operation;
- b. dates of operation;
- c. type of operation (breeder, broiler, layer, etc.);
- d. number of birds (aggregated annually) at each location; and



e. name of the owner and operator.

ANSWER: Cargill Turkey objects to this interrogatory as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it: seeks information outside the time period 2004 (when Cargill Turkey began its poultry growing operations) to present; seeks information for an unspecified future time period that has no end or limit; would require "supplementation" in a manner inconsistent with the meaning and intent of Fed.R.Civ.P. 26(e); seeks production of information from individuals or entities other than Cargill Turkey, the named Defendant in this action; and seeks to define the IRW as including groundwater and/or indirect runoff. Moreover, Cargill Turkey objects specifically to subsection (d) of this interrogatory as vague and ambiguous and to the extent that it seeks confidential and proprietary trade secret or business information without entry of an appropriate confidentiality and protective order.

Subject to and without waiving these objections, Cargill Turkey's answers to Interrogatory No. 1 subsections (a), (b), (c) and (e) are produced herewith in the document bates numbered CARTP000001-2.

With regard to Interrogatory No. 1 subsection (d), Cargill Turkey states that it does not track on an aggregated annual basis the number of "birds" at any particular farming location in any particular year. To the extent that Plaintiff seeks the number of turkey poult placed by Cargill Turkey at each growing location identified in subsection (a) above in any given year, this information may be as easily derived by Plaintiff as by Cargill Turkey from Cargill Turkey's Actual Poult Placement Reports and Breeder Poult Placement Reports. Pursuant to Fed.R.Civ.P. 33(d), Cargill Turkey will produce upon entry of a mutually

agreeable confidentiality and protective order all such Reports for its growers in the IRW from 2004 to present.

**FIRST SUPPLEMENTAL ANSWER:**

Without waiving its prior objections, but hereby incorporating each of them by reference as if fully set forth herein, and subject thereto, Cargill Turkey supplements its previous answer as follows:

With regard to Interrogatory No. 1 subsection (d), although Cargill Turkey does not track by location aggregated annual bird totals as previously indicated, Cargill Turkey provides herewith the information that is reasonably accessible from its TFS and Breeder databases relative to annual "bird" counts at its breeder farms or the farms of its contract growers. These reports are produced as documents bates numbered CARTP123574-CARTP123733. Because of various factors that are not always reported in these systems, Cargill Turkey makes no representation regarding the accuracy of the "bird" totals reflected on these reports at any particular location in any given year. Cargill Turkey specifically reserves its right to object to the use or admissibility of this information at trial.

**SECOND SUPPLEMENTAL ANSWER:**

Pursuant to the Court's Order dated December 7, 2007 and without waiving any objections not substantively overruled by said Order, Cargill Turkey supplements its previous answer as follows:

With regard to Interrogatory No. 1 subsections (a), (b), (c) and (e), produced herewith in the document bates numbered CARTP177359-CARTP177360, Cargill Turkey provides updated information regarding all contract growers and breeder farms in the IRW that it has

been able to identify as of the date of this response. This version differs from a similar document identified in the First Supplemental Answer because Cargill Turkey has determined that Turner Farms, operated by John Turner, is not in the IRW. While Mr. Turner's residence is located in the IRW, the physical location of Turner Farms and all turkey growing operations is not within the IRW.

With regard to Interrogatory No. 1 subsection (d), produced herewith in the document bates numbered CARTP177361-CARTP177362, Cargill Turkey provides a chart that constitutes its best estimate of the number of birds from each operation, aggregated annually, that were processed at its Springdale facility. To the extent possible, numerical data from Cargill's TFS and Breeder databases was used to determine the number of heads of turkeys capitalized in a given year per grower. These TFS and Breeder reports have been produced to the State as documents based numbered CARTP123574-CARTP123733. However, certain data gaps may exist in this information due to the practice of Cargill Turkey to purge data from these systems on an as needed basis when demanded by storage capacity of the systems. To fill these data gaps, two procedures were employed. First, where possible, an average was taken for years in which there was adequate data from a particular grower and this information was applied to the years for which there were data gaps. When this procedure was not possible, Tim Alsup (Precision Agriculture Manager) and Brian Delozier (Flock Supervisor) estimated the number of heads of turkeys per grower based on their experience. While this chart represents Cargill Turkey's best estimate, much of this data are averages or estimates based upon limited data and should be interpreted accordingly. The validity and usefulness of these numbers is also dependent upon the purposes for which this

data will be used. Accordingly, Cargill Turkey specifically reserves its right to object to the use or admissibility of this information at trial.

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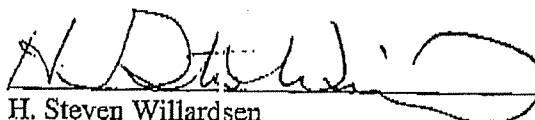
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**CORPORATE VERIFICATION**

H. Steven Willardsen, President, Cargill Turkey Production, LLC, states that he is an authorized signatory of Defendant Cargill Turkey Production, LLC, in the above-titled action; that he signs the foregoing SECOND SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 1 OF PLAINTIFFS FIRST SET OF INTERROGATORIES for and on behalf of Defendant and is duly authorized to do so; that certain of the matters stated in the foregoing SECOND SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 1 OF PLAINTIFFS FIRST SET OF INTERROGATORIES are not within his personal knowledge; that he is informed that there is no Officer or Managing Agent of Defendant who has personal knowledge of all such matters; that the facts stated in said Answers have been assembled by authorized employees and counsel of Defendant; and that he is informed that the facts stated in the foregoing Answers are true and correct.

Dated: January 7, 2008

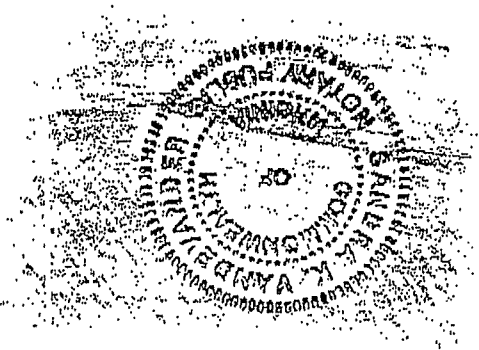
Cargill Turkey Production, LLC

  
 H. Steven Willardsen  
 President

Subscribed and sworn to before me  
 this 7 day of January, 2008.

Sandra K. Vandewarden  
 Notary Public

Customer ID 366523  
 Expires 8/31/09



AS TO OBJECTIONS

January 7, 2008

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## Additional IRW Growers (As of 9/14/07)

Name of Operation/Farm Name	Name of Operator	Address	City, State, Zip	County
ANDON FARM INC	BAIRD, DONALD	RT. 1 BOX 81	SILOAM SPRING AR 72761-0000	BENTON COUNTY
BAKER, GENE	BAKER, GENE	RT 4 BOX 458 A	SPRINGDALE AR 72764-0000	
BARTHOLOMEW, LINDA	BARTHOLOMEW, LINDA	14370 HODGEYE	PRAIRIE GROVE AR 72753-0000	WASHINGTON COUNTY
BUSH FARM	BUSH, DARREL R.	579 FORD LN	LOWELL AR 72745-0000	BENTON06 COUNTY
CLOUD, MARVIN	CLOUD, MARVIN	RT 1 BOX 81	SILOAM SPGS AR 72761-0000	
COLLETTE, BILL	COLLETTE, BILL	RT 5 BOX 216	SILOAM SPGS AR 72761-0000	
COOK, CHARLES	COOK, CHARLES	R.D. 1019 12894 FOOTE	LINCOLN AR 72744-0000	WASHINGTON48 COUNTY
DOUBLEHART FARM	CLOUD, MARVIN	RT 1 BOX 81	SILOAM SPGS AR 72761-0000	
DOYLE, C.E.	DOYLE, C.E.	RT 2 BOX 258 B	WESTVILLE OK 74965-0000	ADAIR COUNTY
FARM, ROCKIN' W	WEBB, SYLVIA	BOX 287	CANE HILL AR 72717-0000	
GOBBLE ACRES	SHOOK, GARY	1599 E LOWELL	LOWELL AR 72745-0000	BENTON30 COUNTY
HARRISON, LOUISE	HARRISON, LOUISE	RT #2 BOX 239	WESTVILLE OK 74965-0000	
HATFIELD FARM	OXFORD, MARY KAY	13084 LITTLE ELM	FARMINGTON AR 72730-0000	WASHINGTON COUNTY
HATFIELD, INA FAY	HATFIELD, INA FAY	2256 E WAR EAGLE RD	SPRINGDALE AR 72764	
HIGHFILL FARM	ROLLER, MARVIN	P.O. BOX 67 B	GENTRY AR 72734-0000	
HOLLAND, DONNIE	HOLLAND, DONNIE	RT 2 BOX 100	LINCOLN AR 72744-0000	
HOLLINGSWORTH FARM	HOLLINGSWORTH, BILL	3560 SILENT GROVE RD	SPRINGDALE AR 72762-0000	WASHINGTON50 COUNTY
I&C - KAY	FISHER, ROBERT O.	14558 KING RD	SUMMERS AR 72769-0000	WASHINGTON21 COUNTY
JE-LO FARM	PAVLIK, JEFF	RT 1 BOX 121	SUMMERS AR 72765-0000	
JONES, FRANK	JONES, FRANK	H.C. 11 BOX 46	TAHLEQUAH OK 74464-0000	
K & Z RANCH	BROWN, KENNETH	RT 1 BOX 356	LOWELL AR 72745-0000	
KAY, BILL	KAY, BILL	RT 1 BOX 718	WELLING OK 74471-0000	CHEROKEE COUNTY
KING FARM	FISHER, ROBERT O.	14535 KING LN	SUMMERS AR 72769-0000	WASHINGTON21 COUNTY
KISIC, W.E.	KISIC, W.E.	P.O. BOX 514	FARMINGTON AR 72730-0000	
LAWSON, DON	LAWSON FARM & METAL	14612 TURKEY RD	SILOAM SPGS AR 72761-0000	BENTON21 COUNTY
LUCAS, JIM	LUCAS, JIM	RT 1 BOX 142	SILOAM SPGS AR 72761-0000	
LYON, JAMES N.	LYON, JAMES N.	13471 N. GAICHER RD.	GENTRY AR 72734-0000	BENTON COUNTY
M & M FEED SERVICE	MAIN, WILLARD	200 PACE LANE	CAVE SPRINGS AR 72718-0000	BENTON COUNTY
MARTIN, JOE	MARTIN, JOE	RT 1 BOX 25	COLCORD OK 74338-0000	
NEW HOPE FARM	ROLLER, JOHN	BOX 112	ROGERS AR 72756-0000	
OSBURN, ROBERT	OSBURN, ROBERT	P.O. BOX 133	LINCOLN AR 72744-0000	
PORTER, GEORGE	PORTER, GEORGE	RT 1 BOX 241	COLCORD OK 74338-0000	
REED VALLEY FARMS	REED, JOE	1317 STEELE RD	SPRINGDALE AR 72762-0000	WASHINGTON COUNTY
ROLLER FARMS, INC.	ROLLER, RICK	2506 BELVIEW RD	ROGERS AR 72756-0000	BENTON COUNTY
RUTHERFORD, JUSTIN	RUTHERFORD, JUSTIN	21409 SHADY GROVE RD	SILOAM SPRING AR 72761-0000	BENTON COUNTY
SIMMONS, PAUL	SIMMONS, PAUL	RT 4, BOX 2470	STILLWELL OK 74960-0000	
STEPHENS, GERALD	STEPHENS, GERALD	RT 2 BOX 57	WESTVILLE OK 74965-0000	



## Additional IRW Growers (As of 9/14/07)

Name of Operation/Farm Name	Name of Operator	Address	City, State, Zip	County
STEWART, CLAY	STEWART, CLAY	13471 N. GAICHE RD	GENTRY AR 72734-0000	BENTON19 COUNTY
TRIPLE P FARM	STEPHENS, PAM	RT 2 BOX 57	WESTVILLE OK 74965-0000	
TURKEY RIDGE FARM	SHOOK, GARY	RT 1 BOX 328	LOWELL AR 72745-0000	BENTON COUNTY
TURKEY RIDGE FARM	SHOOK, RON	BOX 694	LOWELL AR 72745-0000	BENTON COUNTY
TURNER-VAUGHN FARM	TURNER, JOHN A.	13871 WEST HWY 102	GRAVETTE AR 72736-0000	BENTON COUNTY
TWIN MAPLES FARM	TOMLINSON, GARY	30194 COLONIAL CIRCL	INOLA AR 74036-0000	WASHINGTON COUNTY
WEAVER, BRIAN	WEAVER, BRIAN	WC 837 19784 GEM RD	LINCOLN AR 72744-0000	WASHINGTON COUNTY
WHEATON, MICHAEL	WHEATON, MICHAEL	P.O. BOX 1518	GENTRY AR 72734-0000	
WILMOTH, KENNETH	WILMOTH, KENNETH	RT 1 BOX 142	SILLOAM SPGS AR 72761-0000	BENTON COUNTY



